

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

UNITED STATES OF AMERICA, :
 :
 v. : File No. 2:04 CR 95
 :
SIDNEY A. JOHNSON :

ORDER

The Report and Recommendation of the United States Magistrate Judge was filed August 9, 2006. After careful review of the file and the Magistrate Judge's Report and Recommendation, no objections having been filed by any party, this Court ADOPTS the Magistrate Judge's recommendations in full for the reasons stated in the Report.

A district judge must make a *de novo* determination of those portions of a magistrate judge's report and recommendation to which an objection is made. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b) (1); *Perez-Rubio v. Wyckoff*, 718 F.Supp. 217, 227 (S.D.N.Y. 1989). The district judge may "accept, reject, or modify, in whole or in part, the magistrate's proposed findings and recommendations." *Id.*

The defendant's motion pursuant to 28 U.S.C. §2255 (Paper 28) is deemed moot and is DENIED without prejudice.

Dated at Burlington, in the District of Vermont, this
26th day of September, 2006.

/s/ William K. Sessions III
William K. Sessions III
Chief Judge
U.S. District Court